



New York State Department of Labor
David A. Paterson, Governor
M. Patricia Smith, Commissioner

DIVISION OF LABOR STANDARDS
75 VARICK STREET 7th FLOOR
NEW YORK, N.Y. 10013

October 2, 2009

Mary Manning Walsh Nursing Home
1339 York Avenue
New York, NY 10021
Attn: Dennis Lalli

Re: 03-08-0097 vs. Mary Manning Walsh Nursing Home

Dear Sir/Madam,

This letter is to inform you that a Minimum Wage/Overtime wage & Unpaid Supplemental wage claim was filed against this company by Ms. Joan Ochei. We have reviewed the information provided by the claimant and based on the information provided, we have concluded our investigation.

Ms. Ochei was not issued a pay stub during the pay periods ending on 7/7/2007 & 7/21/2007.

- On 7/7/07 claimant should have received a check in the amount of \$ 1191.45 gross pay. This should have included 45 hrs worked, 10% shift pay @ 37.5 hrs & holiday @ 7.5 hrs. (Independence Day). Claimant was given a check in the amount of \$766.82 without pay stub.
- On 7/21/07 claimant should have received a check in the amount of \$1,267.50 gross pay. Claimant worked a total of 52.5 hrs & 10% shift pay @ 37.5. Claimant was given a check in the amount of \$577.91 without pay stub.
- Also note that claimant did not receive holiday pay for Labor Day, week ending 6/2/07 & Independence Day week ending 7/7/07. This claimant was paid for those holidays during the 2006 year.

Accordingly, we have computed an underpayment in the amount of \$ \$1,266.32 for Joan Ochei, respectively. Enclosed you will find a New Recapitulation Sheet listing the period and amount due as well as a self-addressed envelope.



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Failure to pay wages, minimum wage, and overtime are criminal as well as civil violations of Articles 6 and 19 of New York State Labor Law. In addition officers of the corporation and representatives who violate the law subject themselves to prosecution in Criminal Court as well as to civil action entailing the assessment of interest at the rate of 16 % commencing on the date of the violation and penalties up to 200% on the unpaid wages.

You should be aware that under the law, officers and agents of corporations are personally responsible for the failure of the corporation to pay wages and promised benefits. Whether or not a corporation is active or has been dissolved, its officers and agents are subject to the criminal penalties imposed under the Law for their failure to abide by it.

Lastly, a Notice of Labor Law Violation has been issued for Mary Manning Nursing Home on failure to provide proper payroll records, including timesheets, to the New York State Department of Labor. New York State Labor Law mandates that employers maintain complete and accurate payroll records, including daily time records, for all employees for a period of no less than six (6) years, and submit them upon request to the NYS Department of Labor. If payment is received by due date, we will not pursue any penalties for NYS labor law violations issued.

Please instruct your client to remit a check payable to the Commissioner of Labor in the amount \$ 1,266.32 no later than October 22, 2009, in order to avoid further legal action, including the imposition of interest and penalties as described above.

If you have any questions, you may reach me at the telephone number below.

Very truly yours,

A handwritten signature in cursive script that appears to read "Carla Valencia".

Carla Valencia
Labor Standards Investigator

Exhibit T

Mary Manning Walsh
CHECK REQUISITION VOUCHER

DEPARTMENT: Human Resources 09/24/2009

VENDOR NAME Commissioner of Labor

VENDOR ADDRESS NYS Department of Labor
Division of Labor Standards, 75 Varick Street, 7th Floor
New York, NY 10013

VENDOR NUMBER 1333

CHECK AMOUNT \$1,266.32

PURPOSE Violation Notice

Approved By Hugo Pizarro 25 Aug 09 af2109

* Please notify Peter Hill when the check is ready REQUIRED BY: ASAP

Do Not Send it out unless notified. Thank you

FOR FISCAL / EDP ONLY

PAID	ACCOUNT NO	ACCOUNT NAME	AMOUNT
CHECK #			
DATE			
APPROVED			

ACCOUNTING

---- Mail direct to payee

---- Send attached forms

---- Return to Facility

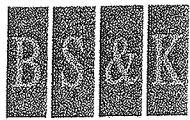
6020-0400

BTH 9/28/09

00355

Exhibit U

ArchCase/DM 324342



BOND, SCHOENECK & KING, PLLC
ATTORNEYS AT LAW ■ NEW YORK FLORIDA KANSAS

DENNIS A. LALLI
Direct: (646) 253-2312
Fax: (646) 253-2379
DLalli@BSK.com

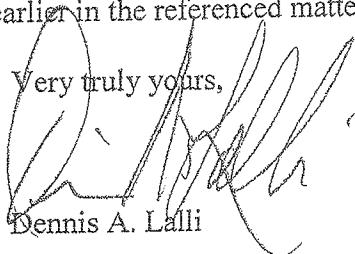
October 14, 2009

Carla Valencia
Labor Standards Investigator
New York State Department of Labor
75 Varick Street, 7th Floor
New York, New York 10013

Re: Mary Manning Walsh Nursing Home/Joan Ochei
Case ID No. LS03 080097
FEIN 13-6220617

Dear Ms. Valencia:

We enclose the employer's check drawn to the order of the "Commissioner of Labor" in the amount specified in the Recapitulation Sheet you sent earlier in the referenced matter.

Very truly yours,

Dennis A. Lalli

DAL/omo

Enc.

13493

MARY MANNING WALSH

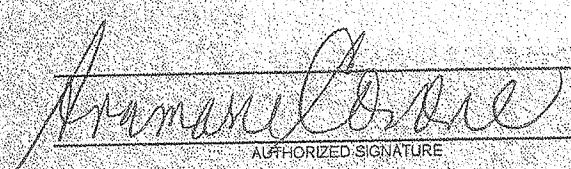
REFERENCE NO.	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
VIOL. NOTICE		9/24/2009	1,266.32	.00	1,266.32
CHECK DATE	PAYEE		DISCOUNTS TAKEN	CHECK AMOUNT	
09/28/2009	COMMISSIONER OF LABOR		0.00	1,266.32	

THE FACE OF THIS CHECK IS PRINTED IN BLUE. THE BACK CONTAINS A SIMULATED WATERMARK

13493

MARY MANNING WALSH
 Operating Account
 205 Lexington Avenue **2nd Floor**
 New York, NY 10016

Sterling National Bank
 425 Park Avenue
 New York, NY 10022
 1-777-260

	DATE	AMOUNT
PAY	09/28/2009	*****1,266.32*****
TO THE ORDER OF	COMMISSIONER OF LABOR DIV OF LABOR STANDARDS 75 VARICK STREET, 7TH FLR NEW YORK, NY 10013	

*****1,266.32*****

AUTHORIZED SIGNATURE

MP

13493 026007773 370581113

00365